

DISTRICT OF NEW JERSEY

SHAROB ABDUL-AZIZ, et al.,

Civil Action No. 14-2026 (FLW)

Plaintiff,

v.

GARY M. LANIGAN, et al.,

MEMORANDUM AND ORDER

Defendants.

This matter has been opened to the Court by the letter responses of Plaintiffs Sharob Abdul-Aziz, Charles Rashid, Ibn Pasha, and William McCray (ECF Nos. 47, 48) to the Court's December 12, 2016 Order. (ECF No. 45.) It appearing that:

1. There are currently four individual Plaintiffs joined in this action – Plaintiffs Rashid, Pasha, McCray, and Abdul-Aziz. On December 12, 2016, the Court issued a Memorandum and Order (ECF No. 45), striking the document titled “Sharob Abdul-Aziz Independently file [sic] Amended Complaint” submitted by Plaintiff Sharob Abdul-Aziz (ECF No. 31), and denying without prejudice the motion to amend submitted by Plaintiffs Pasha, McCray, and Rashid. (ECF No. 37 at Ex. 1). The Court found that Plaintiffs could not proceed with two operative complaints in a single action and ordered Plaintiffs to notify the Court within 45 days as to whether they intended to remain joined together as Plaintiffs in a single action. (ECF No. 45.) The Court ordered that to the extent one or more of the Plaintiffs did not wish to proceed

together in a single action, Plaintiffs must notify the Court within 45 days, and the Court would then assess whether severance would be appropriate.¹

2. Plaintiff Abdul-Aziz's response to the Court's Order was docketed on December 23, 2016. (ECF No. 47.) In that response, Abdul-Aziz opposed moving forward as a single action due to the difficulties the *pro se* Plaintiffs would encounter due to their incarceration at different facilities. (*See id.*)

3. The response of Plaintiffs Rashid, Pasha, and McCray was docketed on January 5, 2017. (ECF No. 48.) In that response, Rashid, Pasha, and McCray stated that they wish to remain joined together in a single action. (*Id.*) Plaintiffs Rashid, Pasha, and McCray also submitted a proposed Amended Complaint (ECF No. 48-1), which is signed by the three Plaintiffs.

4. Having reviewed the Plaintiffs' responses to the Court's Order, the Court finds that good cause exists to sever this matter into two civil actions at this time. Because the docket in this matter contains numerous confusing filings, the Court, for docket management purposes, will direct the Clerk of the Court to administratively terminate Civil Action No. 14-2026 and open two new civil actions.

5. The Clerk of the Court shall docket the Proposed Amended Complaint submitted by Rashid, Pasha, and McCray on January 5, 2017 (*See ECF No. 48-1*) as the operative Complaint in the first new civil action.² Defendants shall file and serve a responsive pleading to that Complaint (ECF No. 48-1) within the time specified by Federal Rule of Civil Procedure 12. The

¹ The Court further ordered that to the extent Plaintiffs Abdul-Aziz, Pasha, McCray, and Rashid intended to remain joined as Plaintiffs in a single action, they must submit a writing to that effect, which is signed by each Plaintiff, and a single Amended Complaint, also signed by each Plaintiff.

² The submission of that Proposed Amended Complaint appears to moot the "Motion to Amend" filed by Rashid, Pasha, and McCray on December 8, 2016. (*See ECF No. 43.*)

Court will also direct the Clerk of the Court to docket the “Motion to Supplement” by Rashid, Pasha, and McCray (ECF No. 49) as a new motion in the first civil action, and Defendants shall file a response to that motion when they file their responsive pleading.

6. The Clerk of the Court shall then docket the Amended Complaint previously filed by Plaintiff Abdul-Aziz (ECF No. 31) as the operative Complaint in the second new civil action. Defendants shall file and serve a responsive pleading to that Complaint within the time specified by Federal Rule of Civil Procedure 12.

IT IS, THEREFORE, on this 25th day of April, 2017,

ORDERED that the Clerk of the Court shall **ADMINISTRATIVELY TERMINATE** Civil Action No. 14-2026 for docket management purposes and open two new civil actions; and it is further

ORDERED that the Clerk of the Court shall docket the Proposed Amended Complaint submitted by Rashid, Pasha, and McCray (*see* ECF No. 48-1) as the operative Complaint in the first new civil action; Defendants shall file and serve a responsive pleading to that Complaint (ECF No. 48-1) within the time specified by Federal Rule of Civil Procedure 12; and it is further

ORDERED that the Clerk of the Court shall docket the “Motion to Supplement” (ECF No. 49) by Rashid, Pasha, and McCray as a motion in the first civil action, and Defendants shall file a response to that motion when they file their responsive pleading; and it is further

ORDERED that the Clerk of the Court shall docket the Amended Complaint filed by Plaintiff Abdul-Aziz (ECF No. 31) as the operative Complaint in the second new civil action; Defendants shall file and serve a responsive pleading to that Complaint (ECF No. 31) within the time specified by Federal Rule of Civil Procedure 12; and it is further

ORDERED that the Clerk of the Court shall send a copy of this Memorandum and Order to each of the Plaintiffs at the addresses on file.

/s/ Freda L. Wolfson
Freda L. Wolfson
United States District Judge